



September 1, 2004 BZA

**STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION**

05AN0107

Gayle U. and Ray B. Pollard

Clover Hill Magisterial District
3703 Commodore Point Circle

REQUEST: A ten (10) foot Variance to the twenty-five (25) foot rear yard setback requirement in a Residential (R-7) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not generally applicable to other properties in the area.
- B. Variance is not in accord with the Zoning Ordinance.

GENERAL INFORMATION

Location:

This property is known as 3703 Commodore Point Circle. Tax ID 727-683-2471 (Sheet 9).

Existing Zoning:

R-7

Size:

0.2 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-7; Residential
South - R-7; Residential and open space
East - R-7; Residential and open space
West - R-7; Residential

Utilities:

Public water and sewer

General Plan:

(Upper Swift Creek Plan)

Residential
(2.0 units per acre or less)

DISCUSSION

The applicants are proposing to construct a dwelling addition fifteen (15) feet from the rear property line (see attached site plan). The Zoning Ordinance requires a twenty-five (25) foot rear yard setback. Therefore, the applicants request a ten (10) foot Variance.

The applicants provide the following justification in support of this request:

We wish to extend the existing room by eight (8) by ten (10) feet to give us more living space. This is the master bedroom in our residence. Our lot is very small and there is no other way for us to expand our one (1) story house. We received a similar Variance for the other end of the house (converted porch to a sunroom for the same reason).

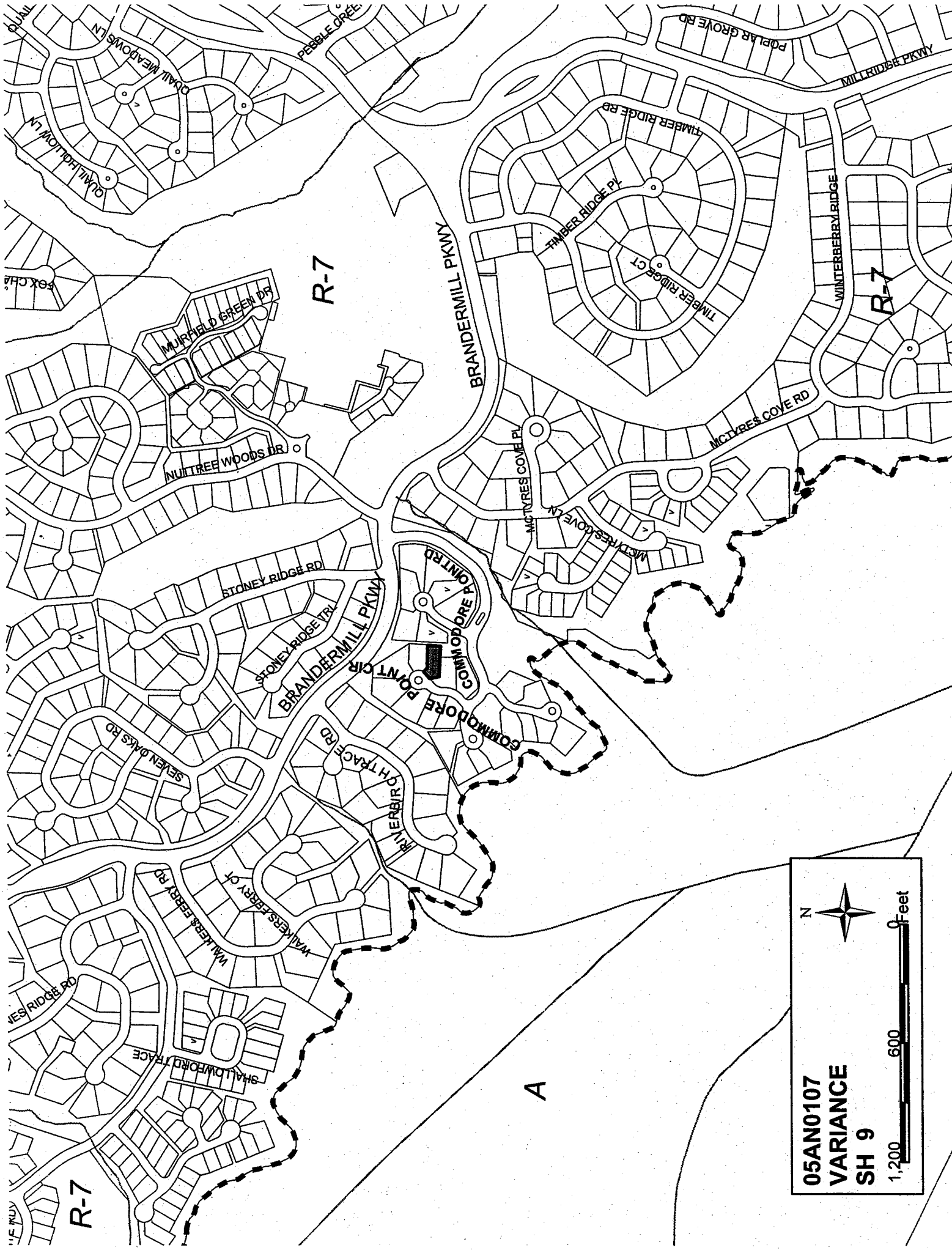
On August 14, 2003, the Director of Planning approved an Administrative Variance for an eight (8) foot Variance to the twenty-five (25) foot rear yard setback requirement and a 2.5 foot Variance to the five (5) foot side yard setback requirement to enclose an existing screened porch.

As required by the Zoning Ordinance, the applicants have provided no information which would serve as a basis for granting this Variance. Staff finds no physical surroundings, shape or topographical conditions on the property which would present a particular hardship to the owner if this Variance was denied. Staff finds no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

Should the Board of Zoning Appeals approve this request, it should be applicable to the proposed dwelling addition only. Other additions could be constructed to this reduced setback. Therefore, staff recommends if this request is approved, it be subject to the following condition:

CONDITION

This Variance shall be for the proposed dwelling addition as depicted on the plat attached to staff's report.



05AN0107
VARIANCE
SH 9

1,200 600 0 Feet

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